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BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35460

CSX TRANSPORTATION, INC.
—TEMPORARY TRACKAGE RIGHTS—
NORFOLK SOUTHERN RAILWAY COMPANY

PETITION FOR WAIVER
EXPEDITED HANDLING REQUESTED

ENTERED
Office of Proceedings

JAN 14 2011

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Public Record

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Dated: January 14, 2011

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Pursuant to 49 C.F.R. §1180.4(1), CSX Transportation, Inc. ("CSXT") respectfully requests the Surface Transportation Board (the "Board") to expeditiously grant a waiver of the requirement that "[t]o qualify for an exemption under §1180.2(d), a railroad must file a verified notice of the transaction with the Board at least 30 days before the transaction is consummated indicating the proposed consummation date." 49 C.F.R. §1180.4(g)(1). CSXT requests this waiver so that it can commence operations under the temporary trackage rights no later than January 16, 2011, in lieu of the detour arrangement that has expired.

Concurrently with this waiver, CSXT is filing a Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1180.2(d)(8) and .4(g) for overhead temporary trackage rights over certain rail lines of the Norfolk Southern Railway Company ("NSR"), generally between CSXT's connection to NSR's tracks at Deepwater, WV, Milepost V434.1 located on the Vaco Branch via Alloy, WV east to the connection with the Vaughn Railroad Company (the "Vaughn Railroad") at Milepost WV227.6, including all necessary tracks designed for the purposes of movement by NSR's operating officer, including head and tail room as necessary, (the "NSR

Line”), a total distance of approximately 12.3 miles.

The temporary trackage rights will permit CSXT to resume overhead rail service to reach the Fola Coal Mine at Bickmore, WV. The Gauley Creek Bridge at milepost CAY 0.3 is part of the CSXT line that is used to reach the Fola Coal Mine. CSXT does not have an alternate route over its own lines.

The bridge was originally built in 1892 and is composed of six open deck spans oriented west to east over the New River. Spans 1 to 3 are deck plate girders on curved alignment. Spans 4 to 6 are pinned deck trusses on tangent alignment with approximate span lengths of 101 feet, 154 feet, and 101 feet.

On September 23, 2010 a CSXT Bridge Inspector discovered a critical defect that required the bridge to be taken out of service. The south truss bottom chord of Span 6 was broken on both side connection plates at the southwest bearing pin connection (fixed bearing). HDR Engineering, Inc. met with CSXT Bridge Personnel to perform a detailed inspection and assessment of the damage. In addition to the bottom chord failure, they identified collateral damage to other truss members. The south truss was bowed with one diagonal member bent at the upper chord connection. The bottom lateral system connection plates were bowed at multiple locations. The broken bottom chord elements had also separated and pulled away from the pin connection. The distance between the bottom chord end pins had spread.

CSXT Bridge Staff and HDR Engineering, Inc. jointly concluded that the bridge had broken in such a way that it could not be repaired. The only safe course of action was to take the bridge out of service until it could be replaced. Because the bridge must be replaced and the winter weather in the mountains of West Virginia, CSXT estimates that it will take until July 1,

2011 to repair the Gauley Creek Bridge and return it to service.

Since September, CSXT has been serving the Fola Coal Mine under a Detour Agreement with NSR. The agreement has terminated and NSR desires traffic to move under a temporary trackage rights agreement. To meet NSR's requirements, the parties have entered a written agreement for the temporary trackage rights.

Since taking the Gauley Creek Bridge out of service, CSXT has been operating over NSR via a detour agreement. In order to permit continued operations over NSR, CSXT and NSR have entered a Temporary Trackage Rights Agreement that permits CSXT to operate over the NSR Line in order to serve the Fola Coal Mine with CSXT's own trains until July 1, 2011, the projected time for CSXT to complete replacement of the Gauley Creek Bridge and recommence service over the CSXT rail line.

NSR has agreed to grant overhead temporary trackage rights to CSXT on the NSR Line. These trackage rights will permit CSXT to reroute the traffic that was until recently being handled over the NSR under a detour arrangement. NSR concurs in expediting CSXT's trackage rights.

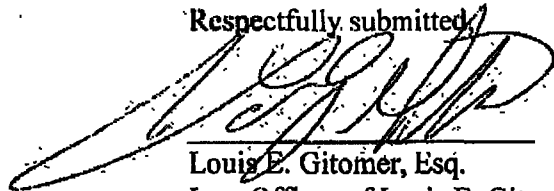
CSXT has been unable to provide direct rail service to and from the Fola Coal Mine since the Gauley Creek Bridge was taken out of service because of the broken truss. The Fola Coal Mine has scheduled a unit coal train for pick up on Sunday January 16, 2011, which CSXT would like to handle under the temporary trackage rights.

CSXT contends that the substantial damage to the Gauley Creek Bridge, the time needed to replace the bridge because of the age of the bridge and the winter weather in the mountains of West Virginia, and the need for CSXT to expeditiously reestablish its service to the Fola Coal

Mine in order to handle the train that the mine is preparing for movement on January 16, 2011
establish good cause for the Board to waive the 30 day notice requirement of 49 C.F.R. §
1180.4(g)(1).

In order to begin service immediately, CSXT respectfully requests the Board
expeditiously waive the 30 day advance notice requirement of 49 C.F.R. § 1180.4(g)(1), and
permit CSXT to begin operations under the overhead temporary trackage rights with NSR no
later than January 16, 2011.

Respectfully submitted,



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